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C O N F I D E N T I A L GUATEMALA 000185

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E.O. 12958: DECL: 01/23/2017

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SUBJECT: LOBBYING FOR APPROVAL OF UN-LED INTERNATIONAL
COMMISSION AGAINST IMPUNITY IN GUATEMALA

REF: 06 GUATEMALA 2473

Classified By: Amb. Derham for reasons 1.4(b),(d).

¶1. (U) Summary: Vice President Stein is leading highly visible efforts to obtain Congressional approval of the agreement establishing the UN-led International Commission Against Impunity in Guatemala (CICIG) (reftel). Timing will be critical -- if CICIG is not approved by May at the latest, it could become hostage to this year's elections. Embassy is continuing its lobbying efforts, highlighting the importance of CICIG as an instrument for strengthening the rule of law.
End summary.

¶2. (SBU) Vice President Stein's senior adviser, Luis Felipe Polo, told the Ambassador January 29 that Stein plans to lobby each of the dozen blocks in Congress to vote for CICIG. Polo said only three parties (FRG, Unionistas, and the Movimiento Reformador) had not yet accepted the VP's request to meet. Polo claimed it was unprecedented in Guatemalan history for a Vice President to appeal directly to every single party for their votes. As an international agreement, CICIG will require two-thirds (105) of the 158 votes in Congress, and Stein was counting on his personal involvement, along with that of Minister of Government Carlos Vielmann, to secure prompt Congressional ratification. Polo noted that time was of the essence, since September's elections would soon compress the legislative agenda. The Ambassador told Polo the Embassy and indeed the rest of the international community were prepared to support GOG lobbying efforts with their own. The GOG did not consult with the political parties or NGOs during the most recent negotiations with the UN on the CICIG mandate, leading many legislators and some NGOs to be less supportive of the new agreement.

¶3. (C) During a January 24 meeting to coordinate lobbying efforts for approval of CICIG, Adriana Beltran, WOLA Associate for Guatemala, told DCM and Poloff that there is a split within the human rights community and that human rights groups, even those in favor of CICIG, are reluctant to publicly support it. While some NGOs, such as the influential Mack Foundation, are supportive of CICIG and committed to moving it forward, other NGOs have expressed reservations, saying it will foment more impunity. According to Beltran, one of their primary concerns is CICIG's mandate to report its findings directly to the UN Secretary General. The original proposal provided for the Commission to publicly present its findings. NGOs have also expressed concerns over the Commission's lack of independence, questioning its effectiveness given that it will have to work with the National Civil Police (PNC) and the Public Prosecutor's

Office, which have been infiltrated by criminal organizations. Nevertheless, Beltran indicated that human rights groups will not oppose CICIG.

¶4. (C) According to Beltran, WOLA fully supports the Commission, viewing its mission to combat impunity as positive, while acknowledging that it is not a panacea that will solve all of Guatemala's problems. WOLA recognizes CICIG's limitations but sees it as a valuable instrument that could help if it is used appropriately. WOLA is actively working with civil society groups and churches, as well as with the private sector, and meeting with GOG officials, to ensure its approval. However, she expressed some skepticism over the likelihood of approval during an elections year, and concern that if it is approved Guatemalan institutions would use CICIG as an excuse for not vigorously pursuing their own work.

¶5. (C) DCM told Beltran that Embassy shares WOLA's view that CICIG, despite its limitations, is a positive start to ending impunity. Recalling that the presence of the UN Verification Mission in Guatemala (MINUGUA) enabled effective defense of human rights and created a disincentive for new human rights violations, especially at the local level, DCM believed that even if CICIG's mandate falls short, it, too, will have a positive impact and may accomplish more than its mandate, if it gets the right people.

¶6. (C) He noted that the Embassy had been lobbying for approval since the Commission, in its earlier form, was first proposed in 2002, and would continue to do so. He said that the Ambassador had highlighted CICIG as one of the highest legislative priorities for the USG during his conversation with the new president of the Guatemalan Congress at his swearing-in.

Derham